



Michael G. Rhodes
T: +1 415 693 2181
rhodesmg@cooley.com

Application **GRANTED**. Defendants' sealing application is granted for substantially the reasons stated in Defendants' July 13, 2022, letter. The materials at Dkt. Nos. 38 and 41 shall remain under seal with access limited to the parties listed in the Appendix of this Order. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 36.

VIA ECF

Dated: August 8, 2022
New York, New York

July 13, 2022

The Hon. Lorna G. Schofield
United States District Court Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: Rhode-NYC, LLC v. Rhodedeodato Corp., et al., Case No. 22-cv-5185 (LGS) (SLC)
Request to File Under Seal

Dear Judge Schofield:

Pursuant to Rule I.D.3 of the Court's Individual Rules and Procedures for Civil Cases, Defendants respectfully submit this letter motion to file under seal Defendants' Memorandum of Law in Opposition to Plaintiff's Order to Show Cause for a Preliminary Injunction ("Memorandum"), as well as the Declaration of Claudia Allwood ("Allwood Declaration").

In accordance with Rule I.D.3, will be filing and electronically relating to this letter motion (a) Defendants' Memorandum with proposed redactions, and (b) the Allwood Declaration with proposed redactions. The proposed redactions are limited to confidential and commercially sensitive financial information related to marketing, inventory, and sales, the disclosure of which would materially affect Defendants' ability to compete in the future. Accordingly, it is appropriate to maintain such information under seal. *See, e.g., Kewazinga Corp. v. Google LLC*, 2020 WL 8224932, at *1 (S.D.N.Y. July 22, 2020) (Schofield, J.) (motion to seal was "necessary to prevent the unauthorized dissemination of the parties' confidential business information and legal strategies"); *Encyclopedia Brown Prods., Ltd. v. Home Box Office, Inc.*, 26 F. Supp. 2d 606, 612–14 (S.D.N.Y. 1998) (finding that confidential business information, including "the cost and profit structures of the defendants" should be sealed because it "provide[s] valuable insights into a company's current business practice").

Defendants have electronically filed unredacted copies of the Memorandum and Allwood Declaration with the proposed redactions highlighted under seal. A list of counsel who should be granted access to the redacted material is listed in the below Appendix. Defendants will serve the unredacted Memorandum, Allwood Declaration, and additional public filings to Plaintiff's counsel via ECF contemporaneously with this filing.

Should the Court grant this motion, Defendants request, per Rule I.D.3, that Defendants' related papers be deemed filed as of today.

Cooley

The Hon. Lorna G. Schofield
United States District Court Judge
Page 2

Respectfully submitted,

By: /s/ Michael G. Rhodes
Michael G. Rhodes (*pro hac vice*)
COOLEY LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111
(415) 693-2000
rhodesmg@cooley.com

Cooley

The Hon. Lorna G. Schofield
United States District Court Judge
Page 3

Appendix

Pursuant to this Court's Individual Rules and Procedures, Defendants identify the following attorneys of record who should have access to the sealed documents:

Counsel for Plaintiff Rhode-NYC, LLC:

Orrick Herrington & Sutcliffe LLP
Lisa T. Simpson
Christopher J. Cariello
Rochelle F. Swartz

Counsel for Defendants Rhodedeodato Corp., HR Beauty LLC, and Hailey Rhode Bieber:

Cooley LLP
Michael G. Rhodes
Brendan J. Hughes
Joseph Michael Drayton
Rebecca Givner-Forbes